

	<b>INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL</b>	
	<b>Chapter 12:</b> Foster Family Home Licensing	<b>Effective Date:</b> TBD
	<b>Section 19:</b> License Denials	<b>Version:</b> 1

**POLICY****OLD POLICY: 613.1**

1. The Indiana Department of Child Services (DCS) or a Licensed Child Placing Agency (LCPA) under contract with DCS **will** recommend denial of a foster family home application if it is determined that:
  - a. The applicant, or the applicant's employee or volunteer who has regular and continuous direct contact with children supervised by the applicant has conviction or pending<sup>1</sup> charges for a criminal felony or of a misdemeanor related to the health and safety of a child.
  - b. The applicant made false statements on the application or the records required for licensure.
  - c. The applicant does not meet requirements of the Indiana licensing law and rules, federal regulations or [Indiana State Department of Health \(ISDH\)](#) requirements.
2. DCS or a Licensed Child Placing Agency (LCPA) under contract with DCS **may** recommend denial of a foster family home application if:
  - a. A substantiated report of child abuse or neglect has occurred naming the applicant, or the applicant's employee or volunteer who has regular and continuous direct contact with children supervised by the applicant, as perpetrator.
  - b. Any individuals living in the home other than the applicant have criminal or juvenile history.
  - c. The home is determined to be unsuitable for children.
  - d. There were concerns identified regarding the applicant during pre-service training.
  - e. The applicant or household members violate DCS policies applicable to licensed foster family homes.

Code References[IC 31-27-4-6 Grounds For Denial of a License Application](#)[IC 31-27-4-13 Denial of a License](#)[465 IAC 2-1 Licensing of Boarding Homes for Children](#)**PROCEDURE**

The local DCS licensing worker or DCS central office background check unit worker will:

1. Consult with other DCS staff as needed to arrive at a written recommendation about the appropriateness of granting the license based on:
  - a. Information yielded on all background checks; and
  - b. The current home environment; and

<sup>1</sup> To be considered a reason for denial, the charges must be filed within 6 months of the arrest.

- c. The ability of the proposed foster parent to provide for the child's safety and well-being; and
- d. The length of time that has passed since the conviction, juvenile adjudication or CA/N substantiation; and
- e. The severity of the offense; and
- f. Evidence of the person's rehabilitation; and
- g. If there is a child living in the applicant's home who has behavioral issues (violence, sexual offender, etc), the soundness of the proposed safety plan to protect incoming foster children.

For all denials, the local DCS licensing worker or DCS central office background check unit worker will:

1. Enter the denial request into ICWIS and submit to the Central Office Residential Licensing Unit for approval.
2. Develop a denial recommendation letter containing the following:
  - a. Any specific statute or rule with which the foster family home is not in compliance;
  - b. A general description, in letter form, of the elements which constitute the non-compliance or other grounds for denial referencing the documentation or observations supporting the decision (See Related Information for sample language relating to denial on the grounds of criminal and/or civil history);
  - c. The efforts made by the local DCS office or LCPA to notify the foster family home applicant and remedy the non-compliance, when appropriate.
3. Send a hard copy of the denial letter to the Central Office Residential Licensing Unit Manager. Each denial letter must be signed by the local DCS office director and the local DCS office attorney and, if applicable, the LCPA director or designee. Emails will not be accepted.

Upon receipt of and **agreement** with the recommendation to deny, the Central Office Residential Licensing Unit Manager will:

1. Forward the recommendation to the DCS Director or designee for review and determine if the action also needs to be reviewed by a Central Office DCS attorney.
2. Send a certified letter to the applicant advising the individuals of:
  - a. The fact that the application for a foster family home license is being denied effective upon the receipt of the letter;
  - b. The nature of the allegation(s) of non-compliance and the documentation in support of the allegation(s);
  - c. The right to appeal the decision within 30 days of receipt of the letter; and
  - d. The statutory authority of DCS to license foster family homes and the civil and criminal penalties for operating without a license.
3. Send a copy of the Denial Letter to the local DCS office or LCPA denying the license

Upon receipt of and **disagreement** with the recommendation to deny a license, the Central Office Residential Licensing Unit Manager will return the recommendation to the recommending agency.

<b>PRACTICE GUIDANCE</b>
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## FORMS AND TOOLS

## RELATED INFORMATION

### General

DCS licensing staff should not recommend licensing a foster home if there are any concerns about placing a child in the home.

### Denial Letter

The following statements may be helpful to use when creating a denial letter:

1. "DCS has received the Fingerprint-Based National Criminal History regarding [name of subject], born [date of birth]. The results indicate that [name] does **not** have a criminal history that would disqualify this individual from [being a licensed foster parent or residing/working/volunteering in a licensed foster home]." **OR**
2. "DCS has received the Fingerprint-Based National Criminal History regarding [name of subject], born [date of birth]. The results indicate that [name] **does** have criminal history that based on Indiana Code **disqualifies** this individual from [being a licensed foster parent or working/volunteering in a licensed foster home]."
3. DCS has received the Fingerprint-Based National Criminal History regarding [name of subject], born [date of birth]. The results indicate that [name] **does** have criminal history that based on DCS policy **disqualifies** this individual from [being a licensed foster parent or residing/working/volunteering in a licensed foster home].

### Appeals

If the foster family home appeals, the local DCS legal counsel will be required to represent the local office or LCPA at all Administrative Appeal Hearings. Hearings and Appeal staff will schedule and notify the foster family home of the hearing.